

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Glenn Reid, et al.

Application No. **09/679,692**

Filed: **October 4, 2000**

For: **LAYERED GRAPHICAL USER INTERFACE**

Examiner: **Mylinh T. Tran**

Art Unit: **2179**

Confirmation No.: **9006**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

The Appellants submit the following Appeal Brief pursuant to 37 C.F.R. § 41.37(c) for consideration by the Board of Patent Appeals and Interferences. The Appellants authorize the amount of \$510.00 to cover the cost of filing the opening brief as required by 37 C.F.R. § 1.17(f) to be charged to Deposit Account No. 02-2666.

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I. REAL PARTY IN INTEREST

Glenn Reid and Pricilla Shih, the parties named in the caption, transferred their rights to the subject Application through an assignment recorded on December 14, 2000 (Reel/Frame 011375/0451) in the patent application to Apple, Inc., of Cupertino, California. Thus, as the owner at the time the brief is being filed, Apple, Inc. is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect, be directly affected by or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS

Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-53 are currently pending, and claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-53 are rejected in the Application. The Appellants respectfully appeal the rejections of claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-53. Thus, the Appealed Claims are claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-53.

IV. STATUS OF AMENDMENTS

Amendments were not submitted after the final Office Action mailed on May 14, 2008

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent Claim 1 recites a method for producing a graphical user interface, the method comprising: storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer, dictates at least one attribute of a control element, and is editable by a user; and creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file, each control object independently editable relative to a different control object.

Independent Claim 9 recites a computer system comprising: a storage; a display device; and a processor coupled to the display device and the storage for: storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user; and creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file, each control object independently editable relative to a different control object.

Independent Claim 17 recites a system for producing a graphical user interface, comprising: means for storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user; and means for creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file, each control object independently editable relative to a different control object..

Independent Claim 25 recites a computer readable medium having stored executable instructions, which, when executed by a computer system for producing a graphical user interface, cause the computer system to: store a graphic file created by a multi-layered type computer program, wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user; and create an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file, each control object independently editable relative to a different control object.

Independent Claim 37 recites a method for producing a graphical user interface, the method comprising: creating a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element and wherein each layer is editable by a user; creating an

application program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one layer of the graphic file, each control object independently editable relative to a different control object; and storing the graphic file and the application program.

Independent Claim 41 recites a system for producing a graphical user interface, comprising: means for storing a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element and wherein each layer is editable by a user; and means for storing an application program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one layer of the graphic file, each control object independently editable relative to a different control object..

Independent Claim 45 recites a computer readable medium having stored executable instructions, which, when executed by a computer system for producing a graphical user interface, cause the computer system to: store a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element and wherein each layer is editable by a user; and store an application program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one layer of the graphic file, each control object independently editable relative to a different control object.

Dependent Claim 49 recites further comprising the application program displaying the control objects and allowing the control objects to be edited using the application program to change the control element attribute as dictated by the editing of the control objects.

Dependent Claim 50 recites the method of claim 39, wherein allowing the control objects to be edited comprises allowing use of the application program to independently change the control objects to cause the corresponding attribute of the control element to change.

Dependent Claim 51 recites the method of claim 1 wherein the multi-layered type computer program comprises a graphics editor; and

the control object comprises a picture-related control object embodied in an image page and depicting a control element as the element would appear on the graphical user interface or comprises a textual description of an attribute of a control element listed on a layer list page.

Dependent Claim 52 recites The method of claim 51 wherein the application programmed comprises a video editing program; wherein the control objects may be edited by adding, deleting, or changing the control object to revise the control elements of the graphical user interface without converting the graphical user interface to an intermediate format or recompiling the graphical user interface; and wherein the control elements have at least one of an appearance of an element, a location of an element, a size of an element, a type of a graphical user interface environment, a state of a graphical user interface environment, function of a graphical user interface environment or a behavior of a graphical user interface environment dictated by the control objects. (see at least **Figure 2A** an example of a GUI object as a dialog window 202a; **Figure 3A** an example of a GUI object as a menu bar (or title bar) 302; **Figure 4** block 402; and paragraphs 24-26, 39 and 47 of the application).

Dependent Claim 53 recites the method of claim 1 wherein editing a control object causes a control element to be edited.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-53 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,628,303 to Foreman et al. (Foreman).

All of the claims do not stand or fall together. The basis for the separate patentability of the claims is set forth below.

VII. ARGUMENT

A. Overview of the Cited References

1. Foreman

Foreman describes a graphical user interface for a computer motion video editing system, which has a single window interface including four selectable interfaces (see column 2, lines 9-12). Although a user may select to use any of the four interfaces, Foreman does not describe changing, removing, or adding commands to any of the four interfaces (see column 2, lines 12-34; column 7, lines 13-37; and column 11, lines 3-46). In other words, Foreman describes a single computer program, computer video editing system (see column 2, lines 9-12 and column 7, lines 8-11) for editing a video program having title, video, and audio tracks (see column 4, lines 34-column 5, line 19; column 7, lines 49-57) using predetermined, preselected interfaces 52, 54, 56 and 58 having predetermined or preselected functionality, such as shown in display elements 74-80 of Figure 5 and 170-180 of Figure 9 (see Figures 5 and 9; column 8, line 50-column 9, line 18; column 11, lines 4-46). The video “program” itself contains various typical video compositing media tracks (e.g. a title track, a video track, and audio track) but is not an application program since it only contains video, title, and audio data (see column 4, lines 34-column 5, line 19; column 9, lines 20-50; and column 11, lines 47-58). Thus, Foreman teaches a single video system for editing video data (Id.).

B. Rejection of Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-53 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,628,303 to Foreman et al. (Foreman).

The Patent office currently rejects Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-53 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,628,303 to Foreman et al. (Foreman). Anticipation may only be established if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (*Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). All of these claims do not stand or fall together. A basis for each of the separately patentable claims is set forth below.

Independent Claims 1, 9, 17, 25, 37, 41 and 45

First, Applicants respectfully disagree for at least the first reason that independent claims 1, 9, 17, 25, 37, 41 and 45 each require, but Foreman does not disclose a graphic file created by a computer program, the graphic file containing a list of control objects, wherein each control object dictates at least one attribute of a control element, and is editable by a user; and an application program other than the computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects (limitations of claim 1 use representatively for claims 9, 17, 25, 37, 41 and 45).

Foreman describes a graphical user interface for a computer motion video editing system, which has a single window interface including four selectable interfaces (see column 2, lines 9-12). Although a user may select any of the four interfaces, Foreman does not describe changing, removing, or adding commands to any of the four interfaces (see column 2, lines 12-34; column 7, lines 13-37; and column 11, lines 3-46). In other words, Foreman describes a single computer program, computer video editing system (see column 2, lines 9-12 and column 7, lines 8-11) for editing a video program having title, video, and audio tracks (see column 4, lines 34-column 5, line 19; column 7, lines 49-57) using predetermined, preselected interfaces 52, 54, 56 and 58 having predetermined or preselected functionality, such as shown in display elements 74-80 of Figure 5 and 170-180 of Figure 9 (see Figures 5 and 9; column 8, line 50-column 9, line 18; column 11, lines 4-46). The video “program” itself contains various typical video compositing tracks (e.g. a title track, a video track, and audio track) but is not an application program to access a graphics file containing control objects and to display a control element, as required by the independent claims. Instead, the video “program” is simply video, title, and audio data (see column 4, lines 34- column 5, line 19; column 9, lines 20-50; and column 11, lines 47-58).

Hence, for at least the first reason that Foreman does not disclose the above noted limits of the independent claims, Applicants respectfully request the Board to overturn the rejection above of independent claims 1, 9, 17, 25, 37, 41 and 45 and their dependent claims.

Moreover, independent claims 1, 9, 17, 25, 37, 41 and 45 include the limitation of “the control object *independently editable relative to a different control object.*” (App., claims 1, 9, 17, 25, 37, 41 and 45.) The Application gives representative examples of “control elements,” which may be images (App., page 13, line 30) such as a button, slider, static text, table pane, or

pop-up tab pane. (App., page 14, lines 31-32.) According to the Application, a “control object,” which may be located in at least one layer of a graphic file (App., page 16, lines 3-4), describes behavior-related attributes of a corresponding element. (App., page 14, lines 26-28.) Representative “attributes” of a corresponding control element may include the name 210, type 212, state 214, and command 216. (App., page 14, lines 28-35.) “A control element may have one or many associated control objects related to different states or aspect of the control element, e.g., 1 to 100 layers may relate to a single control element.” (App., page 16, lines 7-9.) The Application further states that “[e]ach control element of the user interface may be treated as an independent entity. Thus, any control element may be selected and changed without affecting the other control elements.” (App., page 16, lines 5-7.) According to the Application, this format allows a designer of the user interface of a GUI the benefit of altering the user interface through the graphic file without going through an intermediary format. (App., page 4, lines 14-16; page 14, lines 4-14; and page 16, lines 14-25.) As a result, the revised GUI may be immediately displayed and inspected without being reconverted or recompiled. (Id.; as compared to page 3, lines 3-23.)

However, the Patent Office has not identified and Applicants are unable to find any disclosure in Foreman of independently editable control objects of a graphic file created by a computer program and edited by an application program other than a computer program, as required by the independent claims. Hence, for at least this additional reason, Applicants respectfully request the Board to overturn the rejection above of independent claims 1, 9, 17, 25, 37, 41 and 45 and their independent claims.

Dependent Claim 49

Applicants submit that, in addition to being dependent upon an allowable base claim, dependent claim 49 is further patentable for at least the reasons that Foreman does not disclose where the application program allows the control objects to be edited using the application program to change the attributes as required by claim 49. Foreman teaches a single video system for editing video data (see column 4, lines 34- column 5, line 19; column 9, lines 20-50; and column 11, lines 47-58), but does not disclose the above-noted limitations of dependent claim 49. Hence, for this additional reason, Applicants respectfully request the Board overturn the rejection of claim 49.

Dependent Claim 50

Applicants submit that in addition to being dependent upon an allowable base claim, dependent claim 50 is further patentable for at least the reasons that Foreman does not disclose wherein the application program is used to independently change a control object as required by dependent claim 50. Foreman teaches a single video system for editing video data (see column 4, lines 34- column 5, line 19; column 9, lines 20-50; and column 11, lines 47-58), but does not disclose the above-noted limitations of dependent claim 50. Hence, for this additional reason, Applicants respectfully request the Board overturn the rejection of claim 50.

Dependent Claim 51

Applicants submit that in addition to being dependent upon an allowable base claim, dependent claim 51 is further patentable because Foreman does not disclose that the control object comprises a picture-related control object embodied in an image page and depicting a control element as the element would appear on the graphical user interface or comprises a textual description of an attribute of a control element listed on a layer list page, as required by claim 51. Foreman teaches a single video system for editing video data (see column 4, lines 34- column 5, line 19; column 9, lines 20-50; and column 11, lines 47-58), but does not disclose the above-noted limitations of dependent claim 51. Hence, for this additional reason, Applicants respectfully request the Board overturn the rejection of claim 51.

Dependent Claim 52

Applicants submit that in addition to being dependent upon an allowable base claim, dependent claim 52 is further patentable because Foreman does not disclose the application program comprising a video editing program; the control objects being edited by adding, deleting or changing the control object; or the control objects having at least an appearance of an element. Foreman teaches a single video system for editing video data (see column 4, lines 34- column 5, line 19; column 9, lines 20-50; and column 11, lines 47-58), but does not disclose the above-noted limitations of dependent claim 52. Hence, for this additional reason, Applicants respectfully request the Board overturn the rejection of claim 52.

Dependent Claim 53

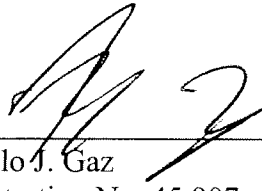
Applicants submit that in addition to being dependent upon an allowable base claim, dependent claim 53 is further patentable because Foreman does not disclose wherein editing a control object causes a control element to be edited, as required by claim 53. Foreman teaches a single video system for editing video data (see column 4, lines 34- column 5, line 19; column 9, lines 20-50; and column 11, lines 47-58), but does not disclose the above-noted limitations of dependent claim 53. Hence, for this additional reason, Applicants respectfully request the Board overturn the rejection of claim 53.

Accordingly, it is submitted that the rejections of claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-53 based on 35 U.S.C. §§ 102 be overturned.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Dated: 10/20/08

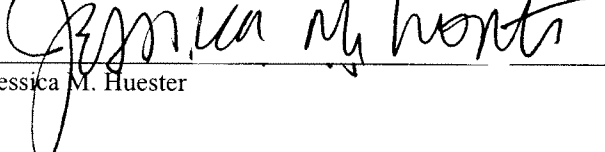


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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office.



Jessica M. Huester 10/20/08

VIII. CLAIMS APPENDIX

1. (Previously Presented) A method for producing a graphical user interface, the method comprising:

storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer, dictates at least one attribute of a control element, and is editable by a user; and

creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file, each control object independently editable relative to a different control object.

2-3. (Cancelled)

4. (Previously Presented) The method of claim 1, wherein the at least one layer of the first control object is grouped with other layers in the graphic file.

5. (Cancelled)

6. (Original) The method of claim 1, wherein the control element is an edit control to manipulate a time-based stream of information.

7. (Previously Presented) The method of claim 1, wherein the at least one attribute is at least one of an appearance and location and size and element type and state and function and behavior in a particular environment.

8. (Cancelled)

9. (Previously Presented) A computer system comprising:

a storage;

a display device; and

a processor coupled to the display device and the storage for:

storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user; and

creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file, each control object independently editable relative to a different control object.

10-11. (Cancelled)

12. (Previously Presented) The system of claim 9, wherein the at least one layer is grouped with other layers.

13. (Cancelled)

14. (Original) The system of claim 9, wherein the control element is an edit control to manipulate a time-based stream of information.

15. (Previously Presented) The system of claim 9, wherein the at least one attribute is at least one of an appearance and location and size and element type and state and function and behavior in a particular environment.

16. (Cancelled)

17. (Previously Presented) A system for producing a graphical user interface, comprising:
means for storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user; and

means for creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file, each control object independently editable relative to a different control object.

18-19. (Cancelled)

20. (Previously Presented) The system of claim 17, wherein the at least one layer is grouped with other layers.
21. (Cancelled)
22. (Previously Presented) The system of claim 17, wherein the control element is an edit control to manipulate a time-based stream of information.
23. (Previously Presented) The system of claim 17, wherein the at least one attribute is at least one of an appearance and location and size and element type and state and function and behavior in a particular environment.
24. (Cancelled)
25. (Previously Presented) A computer readable medium having stored executable instructions, which, when executed by a computer system for producing a graphical user interface, cause the computer system to:
- store a graphic file created by a multi-layered type computer program, wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user; and
 - create an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file, each control object independently editable relative to a different control object.
- 26-27. (Cancelled)
28. (Previously Presented) The computer readable medium of claim 25, wherein the at least one layer is grouped with other layers.
29. (Cancelled)
30. (Original) The computer readable medium of claim 25, wherein the control element is an edit control to manipulate a time-based stream of information.

31. (Previously Presented) The computer readable medium of claim 25, wherein the at least one attribute is at least one of an appearance and location and size and element type and state and function and behavior in a particular environment.
32. (Cancelled)
33. (Previously Presented) The method of claim 1, wherein the at least one layer is linked with other layers.
34. (Previously Presented) The computer system of claim 9, wherein the at least one layer is linked with other layers.
35. (Previously Presented) The system of claim 17, wherein the at least one layer is linked with other layers.
36. (Previously Presented) The medium of claim 25, wherein the at least one layer is linked with other layers.
37. (Previously Presented) A method for producing a graphical user interface, the method comprising:
creating a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element and wherein each layer is editable by a user;
creating an application program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one layer of the graphic file, each control object independently editable relative to a different control object; and
storing the graphic file and the application program.
38. (Previously Presented) The method of claim 37 wherein the graphic file is created using a program other than the application program.
39. (Previously Presented) The method of claim 37 wherein the layers are grouped.
40. (Previously Presented) The method of claim 37 wherein the layers are linked.
41. (Previously Presented) A system for producing a graphical user interface, comprising:

means for storing a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element and wherein each layer is editable by a user; and

means for storing an application program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one layer of the graphic file, each control object independently editable relative to a different control object.

42. (Previously Presented) The system of claim 41 wherein the graphic file is created using a program other than the application program.

43. (Previously Presented) The system of claim 41 wherein the layers are grouped.

44. (Previously Presented) The system of claim 41 wherein the layers are linked.

45. (Previously Presented) A computer readable medium having stored executable instructions, which, when executed by a computer system for producing a graphical user interface, cause the computer system to:

store a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element and wherein each layer is editable by a user; and

store an application program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one layer of the graphic file, each control object independently editable relative to a different control object.

46. (Previously Presented) The medium of claim 45 wherein the graphic file is created using a program other than the application program.

47. (Previously Presented) The medium of claim 45 wherein the layers are grouped.

48. (Previously Presented) The medium of claim 45 wherein the layers are linked.

49. (Previously Presented) The method of claim 1 further comprising the application program displaying the control objects and allowing the control objects to be edited using the application program to change the control element attribute as dictated by the editing of the control objects.

50. (Previously Presented) The method of claim 39, wherein allowing the control objects to be edited comprises allowing use of the application program to independently change the control objects to cause the corresponding attribute of the control element to change.

51. (Previously Presented) The method of claim 1 wherein the multi-layered type computer program comprises a graphics editor; and

the control object comprises a picture-related control object embodied in an image page and depicting a control element as the element would appear on the graphical user interface or comprises a textual description of an attribute of a control element listed on a layer list page.

52. (Previously Presented) The method of claim 51 wherein the application programmed comprises a video editing program;

wherein the control objects may be edited by adding, deleting, or changing the control object to revise the control elements of the graphical user interface without converting the graphical user interface to an intermediate format or recompiling the graphical user interface; and

wherein the control elements have at least one of an appearance of an element, a location of an element, a size of an element, a type of a graphical user interface environment, a state of a graphical user interface environment, function of a graphical user interface environment or a behavior of a graphical user interface environment dictated by the control objects.

53. (Previously Presented) The method of claim 1 wherein editing a control object causes a control element to be edited.

IX. EVIDENCE APPENDIX

No evidence is submitted with this appeal.

X. RELATED PROCEEDINGS APPENDIX

No related proceedings exist.